

To: New Jersey Law Revision Commission
From: Samuel M. Silver, Deputy Director
**Re: Prison and Youth Correctional Facilities – Use of “Farms,” “Camps” and “Quarries”
in N.J.S. 30:4-136 and N.J.S. 4-146**
Date: June 05, 2023

MEMORANDUM

Project Summary

Since 1918, the statutory definition of “State Prison” has included “the existing prison in Trenton.”¹ The definition of youth correctional institutions “include the existing Youth Reception and Correctional Center, Yardville, and the Youth Correctional Institutions at Bordentown and Annandale.”² These statutes defining places of incarceration also include references to “any and all farms,³ camps,⁴ *quarries* or grounds” where individuals sentenced to incarceration “may from time to time be kept, housed, or employed.”⁵

While the New Jersey Department of Corrections (“NJDOC” or “DOC”) maintains correctional farms and camps, the NJDOC does not maintain a prison quarry and such statutory references appear to be anachronistic.^{6,7}

Statutes Considered

N.J.S. 30:4-136. State prison defined.

The State Prison shall include the existing prison in Trenton or wherever it may hereafter be located, and all institutions, farms, camps, **quarries** or grounds designated by the State Board where convicts sentenced to the State Prison may from time to time be kept, housed or employed.

N.J.S. 30:4-146. Youth correctional institution complex defined.

¹ N.J. STAT. ANN. § 30:4-136 (West 2023).

² N.J. STAT. ANN. § 30:4-146 (West 2023).

³ See N.J. STAT. ANN. § 30:4-92 (West 2023) (providing that sufficiently trustworthy inmates are permitted to be employed in honor camps or farms); N.J. STAT. ANN. § 30:4-98 (West 2023) (granting State Board the power to assign any number of inmates of an institution to meet any emergency arising from scarcity of labor on farms); N.J. STAT. ANN. § 30:4-144 (West 2023) (noting that eight hours’ service constitutes a full day’s labor for those employed at the state prison farm at Leesburg); N.J. STAT. ANN. § 30:4-145 (West 2023) (providing for the appropriation for the transportation of prisoners and guards to and from the prison farm and camps); N.J. STAT. ANN. § 30:4-179 to -182 (West 2023) (referring in each of the four statutes to “farmer guards”).

⁴ See N.J. STAT. ANN. § 30:4-92 (providing that sufficiently trustworthy inmates are permitted to be employed in honor camps or farms); N.J. STAT. ANN. § 30:4-145 (West 2023) (providing for the appropriation for the transportation of prisoners and guards to and from the prison farm and camps).

⁵ N.J. STAT. ANN. §§ 30:4-136 and 4-146. (Emphasis added).

⁶ See *infra* discussion of the NJDOC’s “Offender and Characteristics Report” at p. 5.

⁷ N.J. STAT. ANN. § 1:12A-8(a) (mandating that the commission “[c]onduct a continuous examination of the general and permanent statutory law of this state... for the purpose of discovering... anachronisms...”).

The Youth Correctional Institution Complex shall include the existing Youth Reception and Correctional Center, Yardville, and the Youth Correctional Institutions at Bordentown and Annandale and all new or additional institutions, farms, camps, **quarries** or grounds designated by the State board, where persons sentenced to the Youth Correctional Institution Complex may, from time to time, be kept, housed or employed.

Background

There is little in New Jersey's history of prison labor that explains the reason for the inclusion of the terms *farms, camps, and quarries* in the definition of "State Prison."⁸ The reports from the early 1900s on the subjects of prison labor⁹ and its reform¹⁰ suggest that the elimination of contract labor and the problem of prison overcrowding appear to have influenced the inclusion of these geographic locales in New Jersey's statutes.

In the early 1900s, New Jersey Legislature created two Commissions to address the employment related changes that resulted from the State's abolition of contract labor.¹¹ The Convict Labor Commission was tasked with formulating "a comprehensive plan for the initiation and use of the labor of all convicts on public roads, in public parks, in forestry and in other ways to be the public benefit, not in competition with free labor."¹² The Prison Labor Commission had "executive authority and control of the prisoners in their working hours" and recommend "changes in the law and [the] adjustment of authority and responsibility."¹³

At that time, New Jersey had one central prison, built in the early 1800s, which was located in Trenton and subsequently "developed from the early times of the state's history."¹⁴ During the next century, the prison grew and filled its original five-acre tract of land with "numerous cell houses, workshops and other buildings."¹⁵ The expansion of the prison left the facility with little vacant space.¹⁶ The growth of the facility made it "practically impossible to provide a suitable exercise court for the prisoners during the very short daily intervals when they may have a glimpse of the sky and an opportunity to fill their lungs with fresh air..."¹⁷

The prison in Trenton was not the only facility in the New Jersey penal system at that time. The New Jersey prison system also included "a reformatory of *limited acreage* at Rahway for men,

⁸ N.J. STAT. ANN. §§ 30:4-136 and 4-146 (noting the absence of any legislative history).

⁹ Sydney Wilmot, *Use of Convict Labor for Highway Construction in the North*, Proceedings of the Acad. of Pol. Sci. in the City of New York, Vol. 4, No. 2, 6, 36 (Jan. 1914).

¹⁰ C. L. Stonaker, Gen. Sec'y, N.J. State Charities Aid & Prison Reform Ass'n, *Prison Labor Reform in New Jersey*, The Annals of the American Academy of political and Social Science, Vol. 46, Prison Labor 154-60 (Mar. 1913).

¹¹ Stonaker, *supra* note 9, at 154. *See generally* The 1885 Alien Contract Labor Law ("Foran Act") Sess. II Chap. 164; 23 Stat. 332 (Feb. 26, 1885) (making it unlawful "to prepay the transportation, or in any way encourage the importation or migration of any alien or aliens... into the United States... under any contract agreement... made previous to the importation or migration of such alien... to perform labor or service of any kind in the United States....")

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 155.

[and] a reformatory site for women on a large *farm* near Clinton....”¹⁸ Each of these sites required the construction of permanent buildings in which to house its prisoners.¹⁹ In addition to the twenty-one county jails, New Jersey maintained three workhouses.²⁰ The workhouses did not utilize contract labor and “no form of labor [had] been devised for the county jail, other than conventional stone piles, the product of which [was] used on the county roads.”²¹

On April 11, 1910, the Legislature authorized the “outside employment of prisoners.”²² In the Spring of 1912, New Jersey enacted laws that authorized the use of prisoner labor on public roads.²³ Before 1913, the State of Jersey did not utilize the labor of individuals convicted of criminal offenses on the roads of New Jersey.²⁴ At that time, New Jersey was considered a “pioneer among eastern states in using convict labor....”²⁵ The use of this readily available labor pool was justified as a means of alleviating New Jersey’s burgeoning prison population.²⁶ When the prison labor legislation was enacted “there were but 1300 cells for over 1450 men.”²⁷

To ameliorate the crowded prison conditions and the limited facility space, the Prison Labor Commission recommended that the State acquire a large tract of land on which to build new prison facilities.²⁸ In September 1913, “a prison farm was purchased consisting of 1,000 acres of waste land near Leesburg in Cumberland County.”²⁹ The Commission believed that “for a moderate cost the prisoners [could] clear the land and bring it under profitable cultivation.”³⁰ The establishment of this prison farm meant that “a considerable portion of the state convicts [could be housed] upon this farm tract, thereby materially reducing the population within the prison walls at Trenton.”³¹

The State did not foreclose the possibility of other non-prison settings in which to house its prisoners. By 1913, “[r]oad building and maintenance and repair of state highways, including a stone quarry and a crushing plant, park development and forestry [were] yet to be worked out.”³² By 1917, New Jersey established four “road camps” that employed prisoners on the roads of the state.³³ These camps were lauded for their success, which was attributed to the “hygienic and disciplinary value of the outdoor work.”³⁴ In time, the Mercer County Workhouse Quarry would

¹⁸ *Id.* (Emphasis added).

¹⁹ *Id.*

²⁰ *Id.* (Trenton, Newark, and Jersey City).

²¹ *Id.*

²² George W. Kirchwey, Report of the New Jersey Prison Inquiry Commission, 9 J. Am. Inst. Crim. L. & Criminology 207, 223 (May 1918 to Feb. 1919).

²³ Wilmot, *supra* note 8, at 276.

²⁴ *Id.*

²⁵ *Id.* (noting that New Jersey was “[f]ollowing the lead of Colorado, other western states, and Onondaga County, New York” in the use of prison labor).

²⁶ *Id.*

²⁷ *Id.*

²⁸ Stonaker, *supra* note 9, at 156.

²⁹ *Id.*

³⁰ Stonaker, *supra* note 9, at 156.

³¹ *Id.*

³² *Id.*

³³ Kirchwey, *supra* note 27, at 223

³⁴ *Id.*

be utilized to process rock into subbase material for the county road department.³⁵ Before that time, “Mercer County had used a few [prisoners] in its stone-crushing quarry....”³⁶ Similarly, some of the prisoners in the Essex County penitentiary engaged in quarry-type work.³⁷

In the New Jersey Laws of 1918, specific provisions relating to correctional institutions and reformatories were enacted by the Legislature.³⁸ The definition of “state prison” included “the existing prison in the city of Trenton... and all *farms, camps, quarries* or grounds where the convicts sentenced to State Prison may from time to time be kept, housed or employed.”³⁹ With only minor modifications in 1948, the substance of this statute was the basis of N.J.S. 30:4-136.⁴⁰ Similarly, the Legislature defined the New Jersey Reformatory which at the time was near the city of Rahway to include “the existing reformatory... and any and all farms, camps, quarries, or grounds, where the prisoners sentenced to the reformatory may, from time to time, be kept, housed or employed.” Although this statute was amended in 1948,⁴¹ 1963,⁴² and 1970,⁴³ the references to *farms, camps, and quarries* remain part of what is now N.J.S. 30:4-146.

In 1976, the Legislature established the Department of Corrections (“DOC”) in the Executive Branch of the State Government.⁴⁴ To this time, the DOC “provide[s] for the custody, care, discipline, training and treatment of adult offenders committed to State correctional institutions or on parole....”⁴⁵ In addition, the DOC is responsible for “[d]evelop[ing] alternatives to conventional incarceration for those offenders who can be dealt with more effectively in less restrictive, community-based facilities and programs.”⁴⁶

When the DOC was created, it assumed control and supervision of the State’s eight correctional institutions.⁴⁷ In addition, the DOC was given authority over “[a]ny State institution and satellite facilities....”⁴⁸ The DOC’s control over any state institution or satellite facility where prisoners are housed includes farms and camps.

³⁵ *Mercer County Workhouse Quarry, Moore, Hopewell Twp., Mercery Co., N.J., USA*, MINDAT.ORG, <https://www.mindat.org/loc-8362.html#> (last visited Apr. 05, 2023).

³⁶ *Wilmot*, *supra* note 8, at 36.

³⁷ *Id.* (Stone crushing by hand labor commissioned at a rate of fifteen cents per day).

³⁸ *Compare* L. 1918, c. 147, § 301, p. 364 (defining state prison); L. 1918, c. 147, § 315, p. 367 (defining youth correctional institution complex) *with* N.J. STAT. ANN. §§ 30:4-136 and 4-146.

³⁹ L. 1918, c. 147, § 301, p. 367. (Emphasis added).

⁴⁰ *See supra* Statutes Considered at 1.

⁴¹ L. 1948, c. 60, § 3.

⁴² L. 1963, c. 65, § 1.

⁴³ L. 1970, c. 300 § 3.

⁴⁴ N.J. STAT. ANN. § 30:1B-2 (West 2023). *See* N.J. STAT. ANN. § 30:1B-8 (West 2023) (transferring control of State Correctional Institutions from the Department of Institutions and Agencies to the Department of Corrections including “[a]ny State institution and satellite facilities....”).

⁴⁵ *Id.*

⁴⁶ N.J. STAT. ANN. § 30:1B-2(a)(2).

⁴⁷ *See* N.J. STAT. ANN. § 30:1B-8 (West 2023) (New Jersey State Prison, East Jersey State Prison, Bayside State Prison, Garden State Reception and Youth Correctional Facility; Albert C. Wagner Youth Correctional Facility; Edna Mahan Correctional Facility for Women; William H. Fauver Correctional Facility; and Adult Diagnostic and Treatment Center, Avenel).

⁴⁸ *Id.*

In 2021, the DOC published the “Offender and Characteristics Report,” and set forth the total number of inmates in New Jersey State Correctional Institutions and Satellite Units.⁴⁹ This Report noted that 239 prisoners were housed at the Bayside Farm complex; 64 inmate were housed at the Jones Farm;⁵⁰ and 45 were housed at the East Jersey Camp.⁵¹ The report contains no reference to any inmates being housed at a quarry.

Pending Bills

There are no bills pending that seek to amend the language of N.J.S. 30:4-136 or N.J.S. 30:4-146.

Conclusion

Staff seeks authorization to conduct additional research and outreach to determine the viability of the terms farms, camps, and quarries as set forth N.J.S. 30:4-136 and N.J.S. 30:4-146 and to determine whether the statutes would benefit from the elimination of these terms.

⁴⁹ Marcus O. Hicks, Esq., Comm’r, Offender Characteristics Report, Ofc. of Compliance and Strategic Planning *5 (Jan. 2021).

⁵⁰ In November of 2022, the State reassigned the nineteen prisoners housed at this facility to other locations to streamline operations in light of the shrinking prison population. *See* Dana DiFilippo, *State moves inmates out of minimum security prison, as census drops statewide*, N.J. MONITOR, Nov. 29, 2022.

⁵¹ *Id.*